

REMARKS**Summary of the Office Action**

A new title of the invention is required because the title is allegedly not descriptive.

Claims 1-3, 6 and 7 stand rejected under 35 U.S.C. § 102(b) as anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over Satoh et al. (hereinafter "Satoh").

Claims 3 and 4 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the art as applied to claim 1 above, and further in view of Maurer et al. (hereinafter "Maurer").

Summary of the Response to the Office Action

A new title is presented in response to the requirement for a new title. Applicant has amended claim 1 to include features of previous dependent claim 2. Accordingly, claim 2 has been canceled without prejudice or disclaimer. Independent claims 6 and 7 have been amended to include similar features as newly-amended independent claim 1 in order to differently describe embodiments of the disclosure of the instant application. Accordingly, claims 1 and 3-7 currently remain pending for consideration.

New Title Requirement

A new title of the invention is required because the title is allegedly not descriptive. A new title is presented in response to the requirement for a new title. Withdrawal of the requirement for a new title is respectfully requested.

Rejections under 35 U.S.C. §§ 102(b) and 103(a)

Claims 1-3, 6 and 7 stand rejected under 35 U.S.C. § 102(b) as anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over Satoh. Claims 3 and 4 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the art as applied to claim 1 above, and further in view of Maurer. Applicant has amended claim 1 to include features of previous dependent claim 2. Accordingly, claim 2 has been canceled without prejudice or disclaimer. Independent claims 6 and 7 have been amended to include similar features as newly-amended independent claim 1 in order to differently describe embodiments of the disclosure of the instant application. To the extent that these rejections might be deemed to still apply to the claims as newly-amended, they are respectfully traversed for at least the following reasons.

Newly-amended independent claim 1 describes a combination of features of an information reproducing apparatus that includes a selection request device that prompts a user to select the type of recording medium, not only in the case where the determination device cannot determine the type of the recording medium, but also in the case where the information obtaining device cannot normally obtain the necessary information for reproduction.

Applicant respectfully submits that by prompting a user to select the type of the recording medium in each of these two specific cases as mentioned above, and as described in newly-amended independent claim 1, it becomes possible to reduce error frequency, such errors resulting in the apparatus becoming incapable of reproduction. See, for example, page 3, lines 17 to 19 of the specification of the present application.

In other words, Applicant respectfully submits that in the case where the determination device cannot determine type of the recording medium, it is possible to obtain the necessary

information for reproduction from the recording medium according to the selected type of the recording medium. As a result, the reproduction can be quickly and efficiently controlled.

Further, in the case where the information obtaining device cannot normally obtain the necessary information for reproduction, the type of the recording medium is selected, and a cause for which the recording medium cannot be reproduced becomes clear. More particularly, it becomes clear whether the cause is based on incapability of selection of recording medium type or whether the cause is based on the incapability of reading of the necessary information.

In the case where the information obtaining device cannot normally obtain the necessary information for reproduction, if the type of the determined recording medium matches with the type of the selected recording medium, an error processing device performs an error process as specifically described in the features which have been newly-added to independent claim 1. Applicant respectfully submits that this means that in a situation in which the recording medium cannot be reproduced (more specifically, in a case where the selection of the recording medium type is correct, and the necessary information for reproduction cannot be read), an error processing device performs an error process.

Accordingly, Applicant respectfully submits that it thus becomes possible to reduce error frequency, such errors resulting in the apparatus becoming incapable of reproduction. See, for example, page 3, lines 17 to 19 of the specification of the present application.

On the other hand, Applicant respectfully submits that Satoh merely discloses that a judgment is made as to whether a disc is one of a certain type, and a judgment is also made as to whether the disc is one of the other type in a case where the disc is not one of the certain type. According to Satoh, this judging process is repeated until a determination of the disc type

becomes certain. Accordingly, Applicant respectfully submits that Satoh does not disclose or suggest the features of newly-amended independent claim 1, as previously discussed in detail.

Incidentally, Applicant respectfully submits that Satoh discloses in column 11, line 66 to column 12, line 13 that in a case where the type of the disc is determined, in order to judge whether the disc is one requested by a user, the user inputs information concerning the type of disc, and in a case where there is a discrepancy between this information, then information concerning the discrepancy is indicated in a display portion. However, Applicant respectfully submits that this merely means that a confirmation is made of the disc judgment result. Applicant respectfully submits that this teaching of Satoh does not mean that the cause for which the recording medium cannot be reproduced has been confirmed.

On the other hand, Applicant respectfully submits that according to newly-amended independent claim 1 of the instant application, in the situation where the information obtaining device cannot normally obtain the necessary information for reproduction, the type of the recording medium is selected. As a result, the cause specifying why the recording medium cannot be reproduced becomes clearly understood.

As described in detail by the foregoing explanations, these features of newly-amended independent claim 1 of the instant application are not shown, nor even suggested, from the disclosure of Satoh. Applicant respectfully submits that the combination of features specifically described in newly-amended independent claim 1 of the instant application results in a remarkably advantageous effect over the disclosure of Satoh. Accordingly, Applicant submits that newly-amended independent claim 1 of the instant application is non-obvious over Satoh.

Independent claims 6 and 7 have been newly-amended to include similar features as discussed above with regard to newly-amended independent claim 1. Accordingly, similar arguments as discussed above with regard to newly-amended independent claim 1 also apply to newly-amended independent claims 6 and 7 of the instant application.

Accordingly, Applicant respectfully asserts that the rejections under 35 U.S.C. §§ 102(b) and 103(a) should be withdrawn because Satoh does not teach or suggest each feature of independent claim 1, 6 or 7, as newly-amended. As pointed out in MPEP § 2131, "[t]o anticipate a claim, the reference must teach every element of the claim." Thus, "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. Verdegaal Bros. v. Union Oil Co. Of California, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987)." Similarly, MPEP § 2143.03 instructs that "[t]o establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. In re Royka, 409 F.2d 981, 180 USPQ 580 (CCPA 1974)."

With regard to the additionally applied reference to Maurer as to claims 3 and 4, it is respectfully submitted that Maurer does not cure the deficiencies of Satoh as discussed previously.

Furthermore, Applicant respectfully asserts that the dependent claims 3-5, are allowable at least because of their dependence from independent claim 1, and the reasons set forth above.

CONCLUSION

In view of the foregoing, Applicant submits that the pending claims are in condition for allowance, and respectfully request reconsideration and timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of this

response, the Examiner is invited to contact Applicant's undersigned representative to expedite prosecution. A favorable action is awaited.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0573. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

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